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## Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

11 In Re: ) Case No. 10-32086-C-7  
12 Michael J. DiCarlo ) DCN: SMR-002  
13 ) Date: September 7, 2010  
14 Debtors ) Time: 9:30 a.m.  
15 ) Dept: C  
16 ) Ctrm: 35, 6<sup>th</sup> Floor  
 ) Judge: Hon. Klein

## MOTION TO COMPEL ABANDONMENT

[11 U.S.C. §544(b), Local Rule of Practice 9014(f)(2)]

Debtor Michael J. DiCarlo represents as follows:

20        1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and  
21        1334. The motion is brought pursuant to Local Rule of Practice 9014(f)(2).

22        2. Debtor filed the current case on May 7, 2010 as an individual voluntary case  
23        under Chapter 7 of the Bankruptcy Code. Debtor scheduled his residence at 3362 Ridgeview  
24        Drive, El Dorado Hills, CA 95762. The debt on the property is currently \$445,000.00, but the  
25        value of the property is \$371,238.00.

<sup>26</sup> 3. 11 U.S.C. §544(b) provides as follows:

(b) On request of a party in interest and after notice and hearing, the Court may order

1 the Trustee to abandon any property of the estate that is burdensome to the estate or that is of  
2 inconsequential value and benefit to the estate.

3       4. The property at 3362 Ridgeview Drive, El Dorado Hills, CA 95762 is of  
4 inconsequential value to the estate or actually burdensome. No benefit would accrue to any of  
5 the unsecured creditors of the estate if the real property were administered by the estate.

6       **WHEREFORE**, Debtors request an Order:

7       (a) Compelling the Trustee to abandon the property at 3362 Ridgeview Drive, El  
8 Dorado Hills, CA 95762; and

9       (b) For such other and further relief as this Court deems just and proper.

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Dated: August 9<sup>th</sup>, 2010

Lundgren & Reynolds, LLP  
By:s/Stephen M. Reynolds  
Stephen M. Reynolds  
Attorney for Debtor

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